

**CLEARWATER TOWNSHIP  
ZONING BOARD OF APPEALS  
Regular Meeting  
July 11, 2011**

Approved October 10, 2011

Meeting called to order at 7:00 by Chair Adams, followed by the Pledge of Allegiance.

Members present: Jim Adams, Tina Fields, Lucy Gerlach, John Margo  
Township officials: Guy Molby  
No public present.

Minutes from hearing of April 11, 2011 approved as written.

Agenda approved as presented.

Dave Lawicki has been appointed to this board by the Township Board but has yet to be sworn in. He is presently undergoing medical treatment.

Planning Commission report by Fields: The Township Board has passed the last of the zoning ordinance revisions, putting the township in compliance with the MZEA. The township now has a brand new amendment-free zoning ordinance; the former, overburdened with amendments, has been repealed. An amendment to Article XXVI, which will incorporate the ZBA public hearing procedures into the zoning ordinance, is still to be addressed by the Planning Commission (and will, of course, put an end to the amendment-free ordinance).

Next on the agenda for the Commission is to continue the review of the master plan and to address the medical marijuana issue. The state has passed a law allowing the sale of marijuana for medical purposes; according to the Federal Government, it is still illegal. This causes problems for local governments, which according to the state cannot be perceived as blocking access. Currently the township has declared a moratorium on any medical marijuana activity pending resolution of pertinent lawsuits.

The Planning Commission will be meeting at a new time – 1:00 – the first Monday of the month.

Gerlach questioned whether the April 11 ZBA variance decisions and the rationale behind those decisions will not ultimately result in any 50-foot lot being granted a variance for a 5-foot side setback, and suggested that in that case the Planning Commission may want to consider changing the setback in the zoning ordinance. Margo does not think the setback should be changed, but that the

ZBA should retain the power to decide. Fields said that the Planning Commission should discuss the issue.

A brief discussion of July 4 weekend sandbar activities ensued.  
Next ZBA meeting is scheduled for October 10, 2011.

Meeting adjourned at 7:45.

Submitted by Lucy Gerlach  
ZBA Secretary